



**Little River Band of Ottawa Indians**

375 River Street  
Manistee MI 49660  
(231) 723-8288

**Resolution # 04-1201-492**

*Authorizing the Release of \$69,000.00 from the Professional Fees Line  
in the Legal Department Budget to Cover Additional Fees and Expenses Under  
The Special Counsel Contract with Ayer & Hughes*

WHEREAS, the status of the *Gaá Čhíng Zíibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education and general welfare of the Little River Band and its members; and

WHEREAS, the Tribal Council is, pursuant to Article IV, Section 7(i), authorized to manage funds within the exclusive control of the Tribe; and

WHEREAS, the Tribal Council, did approve an Attorney Contract with the law firm of Ayer & Hughes for a period commencing January 1, 2004 to December 31, 2005, pursuant to Article IV, Section 7 of the Tribe's Constitution; and

WHEREAS, the work performed by the attorneys under the Contract has required more hours than originally projected and the attorneys have undertaken additional work under the Contract as a result of litigation activities impacting the Tribe's jurisdictional claims, which has resulted in additional fees in the current calendar year above the amount budgeted for that purpose; and

WHEREAS, the Tribal Council did approve an amendment to the Attorney Contract with Ayer & Hughes to authorize an increase of the ceiling for fees and expenses for the current fiscal year to \$164,000.00;

WHEREAS, the Legal Department has requested authorization to release \$69,000.00 from the funds budgeted under the Professional Fees line item for *U.S. v Michigan* contingency for the purpose of covering the increased fees and expenses required under the Ayer & Hughes contract.

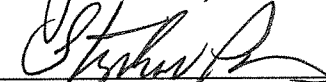
NOW THEREFORE IT IS RESOLVED THAT the Tribal Council of the Little River Band of Ottawa Indians authorizes release of \$69,000.00 from the Professional Fees line in the Legal Department Budget to be allocated to additional fees and expenses authorized under Amendment No. 1 to the Special Attorney Contract with Ayer & Hughes for calendar year 2004.

### **CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 7 FOR, 0 AGAINST, 0 ABSTAINING, and 2 ABSENT, at a Regular Closed Session of the Little River Band of Ottawa Indians Tribal Council held on December 1, 2004, at the Little River Band's Conference Room in Manistee, Michigan, with a quorum being present for such vote.

Attest:

  
\_\_\_\_\_  
Janine M. Sam, Council Recorder

  
\_\_\_\_\_  
Stephen Parsons, Council Speaker

Distribution: Council Records  
Tribal Ogema  
Tribal Court